

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	
v.	)	No. 07-00007-02/03-CR-W-FJG
	)	
PHILIP F. CARDARELLA and	)	
KATHERYN J. SHIELDS,	)	
Defendants.	)	

**ORDER**

Currently pending before the Court are Defendants Cardarella and Shields' Motion to Dismiss the Indictment (Doc. No. 71); defendants Cardarella and Shields' Motion to Dismiss the Indictment Due to Selective and Vindictive Prosecution (Doc. No. 73); and defendants Cardarella and Shields' Motion to Dismiss the Indictment Due to Unconstitutional Appointment of the Interim United States Attorney (Doc. No. 74).

On May 14, 2007, United States Magistrate John T. Maughmer entered a Report and Recommendation (Doc. No. 100) which recommended denying the above-mentioned motions. On May 24, 2007, defendants Cardaralla and Shields filed objections to the Report and Recommendation (Doc. No. 129). The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the magistrate's findings and conclusions. Therefore, the Court finds that defendants' Motion to Dismiss the Indictment (Doc. No. 71); defendants' Motion to Dismiss the Indictment Due to Selective and Vindictive Prosecution (Doc. No. 73); and defendants' Motion to Dismiss the Indictment Due to Unconstitutional Appointment of the Interim United States Attorney (Doc. No. 74) must be denied.

Accordingly, it is

ORDERED that the magistrate's findings and conclusions are hereby adopted and incorporated herein by reference. It is further

ORDERED that defendants' Motion to Dismiss the Indictment (Doc. No. 71); defendants' Motion to Dismiss the Indictment Due to Selective and Vindictive Prosecution (Doc. No. 73); and defendants' Motion to Dismiss the Indictment Due to Unconstitutional Appointment of the Interim United States Attorney (Doc. No. 74) are **DENIED.**

Date: 5/29/07  
Kansas City, Missouri

**S/ FERNANDO J. GAITAN, JR.**  
Fernando J. Gaitan, Jr.  
Chief United States District Judge